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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,079

09/09/2003

David Alexander

IMMR-IMD0002C(434701-067)

9176

60140

7590

02/25/2009

IMMERSION - NIXON PEABODY LLP

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EXAMINER

MUSSELMAN, TIMOTHY A

ART UNIT

PAPER NUMBER

3715

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/657,079	ALEXANDER ET AL.	
	Examiner	Art Unit	
	TIMOTHY MUSSELMAN	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-24,26-28,30,31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24,26-28,30-31,33 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the communication filed 1/28/2009, claims 12-24, 26-28, 30-31, and 33 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the relevant portion of 35 U.S.C. 102 that forms the basis for the rejections made in this section of the office action;

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillio (US 5,882,206).

Regarding claims 12 and 13, Gillio discloses a capture mechanism configured to engage a peripheral device. See col. 6:61 - col. 7:5. Gillio also discloses wherein the capture mechanism comprises an actuator to adjust the cross sectional dimension of a capture mechanism. See col. 7: 5-18 and the labels referred to therein in figure 4. Gillio also discloses wherein the actuator movements (i.e. the force feedback caused by the controlled 'pinching' of the peripheral device) are performed automatically in response to the sensed user manipulation of the device, including user movement in a direction parallel to the insertion of the device. See col. 9: 3-18.

Allowable Subject Matter

Claim 14 is objected to as being dependant upon a rejected base claim, but would be allowable if rewritten to include the limitations of the base claim and any intervening claims. This claim is considered

Art Unit: 3715

allowable because the prior art does not teach or suggest a automatic cross-section dimension-adjusting capture mechanism automatically responsive to sensed user movements of an inserted peripheral device including an outer tubular member and an inner-tubular member at least partially disposed within the outer-tubular member for adjusting the capture mechanism and the inner tubular-member being coupled to the sensing assembly at a distal end of the inner tubular-member.

Regarding claims 15-18 are objected to as being dependant upon a rejected base claim, but would be allowable if rewritten to include the limitations of the base claims and any intervening claims. These claims are considered allowable because the prior art does not teach or suggest a automatic cross-section dimension-adjusting capture mechanism responsive to sensed user movements wherein the cross sectional adjusting mechanism resides in a sensing assembly configured as a trolley which travels along a guide rail and is attached by belts to pulleys. While Bailey discloses such a trolley and pulley sensing assembly, and Gillio discloses an apparatus that controls force feedback to a user by adjusting the cross-sectional dimension of a capture mechanism, there is no teaching in the prior art for the combination of the these elements as applicant claims in each of claims 15-18.

Claims 19-24, 26-28, 30-31, and 33 remain allowed as previously indicated.

Response to Arguments

Applicant's arguments dated 1/28/2009 have been fully considered, but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

Art Unit: 3715

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner of Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715